

JOHN J. FASO  
19TH DISTRICT, NEW YORK

1616 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-5614

<http://faso.house.gov>



## Congress of the United States House of Representatives

July 26, 2018

COMMITTEE ON AGRICULTURE  
SUBCOMMITTEE ON COMMODITY EXCHANGES,  
ENERGY, AND CREDIT

SUBCOMMITTEE ON NUTRITION

COMMITTEE ON THE BUDGET

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

VICE CHAIR, SUBCOMMITTEE ON  
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT,  
PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

The Honorable Dr. Scott Gottlieb  
Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993

**Docket No. FDA-2018-N-2381**

Dear Commissioner Gottlieb:

Thank you for the opportunity to comment on federal standards of identity which exist for a wide variety of products, including milk.

As you are aware, current Food and Drug Administration (FDA) labeling requirements define milk as “the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows (21 CFR §131.110).” While the FDA has this crystal-clear definition for determining what constitutes milk, there has been a clear rise in the prevalence of non-dairy products using the term “milk” as part of their marketing efforts and branding.

By drawing on the decades of scientific studies that have reinforced the positive health benefits of milk, manufacturers of plant-based beverages are seeking to attach themselves to the benefits of the nutritious value of dairy products by incorrectly identifying their product as milk. While there are certainly benefits to these other drinks, they do not possess the same level or combination of nutrients as FDA defined milk.

Consumers choose FDA defined milk not only because it tastes good, but because it provides the building blocks to maintain strong teeth, bones, and muscle. According to a study published on June 7, 2017 in the American Journal of Clinical Nutrition, frequency of milk consumption has been associated with differing heights among children. Those who regularly consumed milk were taller than average, whereas those who substituted plant-based beverages tended to be shorter for their age group.

Allowing plant-based products to be labeled as milk not only misleads consumers, but also negatively impacts our family farmers as demand for FDA defined milk has dropped due to consumers believing plant-based alternatives contain the same amounts of protein, vitamins, and minerals as the standardized dairy products. Hardworking dairy farmers are already struggling to keep their farms in operation as profit margins are virtually nonexistent, and allowing other products to impersonate milk creates worsens this economic situation.

DELHI DISTRICT OFFICE  
111 MAIN STREET  
DELHI, NY 13753  
PHONE: (607) 746-9537

KINDERHOOK DISTRICT OFFICE  
2 HUDSON STREET  
PO BOX 775  
KINDERHOOK, NY 12106  
PHONE: (518) 610-8133

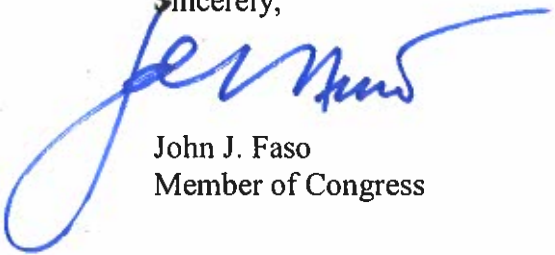
KINGSTON DISTRICT OFFICE  
721 BROADWAY  
KINGSTON, NY 12401  
PHONE: (845) 514-2322

PRINTED ON RECYCLED PAPER

I encourage the FDA to enforce the already established definition of milk as the agency continues its in-depth discussions of standards of identity.

As you have previously said, "an almond doesn't lactate".

Sincerely,



John J. Faso  
Member of Congress